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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,103	01/12/2006	Antonio Pita-Szczesniewski	206,879	2652

7590 06/28/2007
ABELMAN, FRAYNE & SCHWAB
10th Floor
666 Third Ave.
New York, NY 10017-5621

EXAMINER

NGUYEN, PHU HOANG

ART UNIT	PAPER NUMBER
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1731

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,103

Applicant(s)

PITA-SZCZESNIEWSKI, ANTONIO

Examiner

Phu H. Nguyen

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/14/2006.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szczesniewski et al. (U.S Patent No. 6358870) in view of Bair (U.S Patent No. 2220750).

Regarding claims 1 and 3-4, Szczesniewski discloses all features the process step of adding cullet recites in the instant claim 1. Bair discloses in the formation of glass by conventional methods, a dry mixture of coarse sand, fluxes such as soda ash and lime and enough of glass (about 20 or 25%) as cullet to give desired melting properties to the mixture, is heated in pots or tanks to melt it down to fluid state (column 1, line 24-29). Therefore, it would have been obvious to one of ordinary skill in the art to add cullet to raw material in process of making glass to save on cost of raw material.

Regarding claim 2, Szczesniewski also discloses that silica sand is added to complete the silica content of the glass formula (column 2, line 27-31). Accordingly, claim 2 is rejected.

Regarding claim 5, Bair further discloses the mass can be mulled to form nodules, or can be formed into briquettes by suitable methods. These briquettes can

then be dried to coherent state eminently suited for use in the formation of glass (column 2, line 41-51). Accordingly, claim 5 is rejected.

Regarding claim 6, Szczesniewski further discloses the content of carbon dioxide in the pre-reacted batches can be between 1 and .5% by weight after 25 minutes of treatment (figure 3). Accordingly, claim 6 is rejected.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Slayter (U.S Patent No. 2114545) discloses in a melting and refining glass batch comprises raw material and cullet for use in manufacturing glassware (column 1, line 1-6).


Demarest (U.S Patent No. 4920080) discloses a portion of the silica may be separately preheated to temperatures even higher than those attained in the calcining process and then fed directly to the liquefier, thereby reducing the energy requirements of the liquefier even further. Including the maximum amount of sand in the portion of the batch passed through the calciner is believed to have the desirable effect of inhibiting agglomeration of the other materials, thereby permitting higher preheating temperatures along with the calcinations (column 3, line 59-68).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu H. Nguyen whose telephone number is 571-272-5931. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.N 6/22/2007



STEVEN P. GRIFFIN
PRIMARY EXAMINER